

ORIGINAL

GRAND JURY

NORTHERN DISTRICT OF CALIFORNIA

GJ INVESTIGATION NO. 2002R01596 )

CONFIDENTIAL

REPORTER'S TRANSCRIPT OF PROCEEDINGS

TESTIMONY OF

BARRY BONDS

AT UNITED STATES DEPARTMENT OF JUSTICE

450 GOLDEN GATE AVENUE

SAN FRANCISCO, CALIFORNIA 94102

THURSDAY, DECEMBER 4, 2003; 1:23 P.M.

FOR THE GOVERNMENT:

KEVIN V. RYAN, UNITED STATES ATTORNEY

BY: JEFF NEDROW, ASSISTANT UNITED STATES ATTORNEY

ROSS NADEL, ASSISTANT UNITED STATES ATTORNEY

UNITED STATES DEPARTMENT OF JUSTICE

450 GOLDEN GATE AVENUE

SAN FRANCISCO, CALIFORNIA 94102

1 criminal liability or trouble?

2 Do you understand that?

3 A. I believe I understand the question, yes. I  
4 believe so.

5 Q. Is there a part of that you don't understand?

6 A. No, I just...

7 Q. Okay. And in connection with that, let me  
8 actually go over an order. You received an order  
9 through your lawyer a short time before testifying  
10 today; is that correct?

11 A. Yes.

12 Q. And I'm actually going to go over the text of  
13 that order. And I'd like to make sure that you're  
14 comfortable with it before we proceed. The order says  
15 the following:

16 In motion of Kevin V. Ryan, United States  
17 Attorney for the Northern District of  
18 California, the Court hereby finds and  
19 orders as follows: First, Barry Bonds may  
20 be called to testify before the grand  
21 jury; second, in the judgment of the  
22 United States Attorney, Barry Bonds is  
23 likely to refuse to testify on the basis  
24 of his Fifth Amendment privilege against  
25 self-incrimination; and three, in the

1 judgment of the United States Attorney the  
2 testimony and other information to be  
3 obtained from Barry Bonds is necessary to  
4 the public interest; and four, the motion  
5 filed here has been made with approval of  
6 the designate of the assistant attorney  
7 general in charge of the criminal division  
8 of the Department of Justice pursuant to  
9 the authority invested in him by 18  
10 U.S.C., Section 6003 and 28 C.F.R. 0.175,  
11 it is therefore ordered that Barry Bonds,  
12 as soon as he may be called, shall testify  
13 under oath and provide other information,  
14 including documents in this case, and in  
15 any further ancillary proceedings. It is  
16 further ordered that the testimony and  
17 other information compelled from Barry  
18 Bonds pursuant to this order, including  
19 personal or business records, the fact of  
20 his production of any records, and any  
21 information directly or indirectly derived  
22 from such testimony may not be used  
23 against him in any criminal case except a  
24 prosecution for perjury, false  
25 declaration, or otherwise failing to

1           comply with this order. It is further  
2           ordered that the government's application  
3           of this order be placed under seal until  
4           further order by the court, except that a  
5           copy of this order may be served on the  
6           witness and/or his counsel and disclosed  
7           to the grand jury conducting the  
8           investigation in this matter."

9           And this is filed on December 1 of this year  
10          and signed by United States District Judge Maxine  
11          Chesney, C-h-e-s-n-e-y.

12                 So, Mr. Bonds, you received a copy of the order  
13          that I just recited; correct?

14                 A. Yes.

15                 Q. So, again, I guess, just to make sure as best I  
16          can do it, in plain-speak, we go through what that  
17          means.

18                 The presumption, Mr. Bonds, is that people have  
19          a Fifth Amendment right not to make statements that they  
20          have a belief might incriminate themselves. After  
21          reading that order do you understand that fundamental  
22          principle?

23                 A. Yes.

24                 Q. Okay. Now, do you understand that for today's  
25          purposes you've been ordered to testify, but there are